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TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 13173-00926-US
INTERNATIONAL APPLICATION NO. PCT/EP2004/008624		INTERNATIONAL FILING DATE 31 July 2004
TITLE OF INVENTION: PROMOTERS FOR THE EXPRESSION OF GENES IN TAGETES		U.S. APPLICATION NO. 10/568741 (See 37 CFR 1.5) PRIORITY DATE CLAIMED 17 February 2004
APPLICANT(S) FOR DO/EO/US: Matt Sauer et al.		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☒ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☒ A power of attorney and/or change of address letter.
17. ☒ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).

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U.S. APPLICATION NO. (if known) 37 CFR 1.5) 10/568741	INTERNATIONAL APPLICATION NO. PCT/EP2004/008624	ATTORNEY'S DOCKET NUMBER 13173-00026-US
20. <input checked="" type="checkbox"/> Other items or information: Form PCT/IB/306, Form PCT/IPEA/409, Nucleotide and/or Amino Acid Sequence Submission on CD (COPY 1, COPY 2, CRF COPY, 3 total discs), Statement To Support Filing And Submission In Accordance With 37 CFR §§1.821 Through 1.825, Postcard, Certificate of Express Mail		
The following fees have been submitted		
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300	CALCULATIONS \$ 300.00	PTO USE ONLY
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 All other situations \$200	\$ 200.00	
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400 All other situations..... \$500	\$ 400.00	
TOTAL OF 21, 22 and 23 =		\$ 900.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.		
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)
79 - 100 =	/50 =	x \$250.00
		\$
Surcharge of \$130 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).		\$
CLAIMS	NUMBER FILED	NUMBER EXTRA
Total claims	26 - 20 =	6
Independent claims	3 - 3 =	x
		50.00
		300.00
		0.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+
TOTAL OF ABOVE CALCULATIONS =		\$ 1200.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/3.		
SUBTOTAL =		\$ 1200.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).		\$
TOTAL NATIONAL FEE =		\$ 1200.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property		\$
		\$
TOTAL FEES ENCLOSED =		\$ 1200.00
		Amount to be refunded: \$
		Amount to be charged \$

10/568741

PTO-1390 (Rev. 07-2005)

Approved for use through 03/31/2007. OMB 0651-0021

U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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IAFZURGS OFC/1710 17 FEB 2000

- a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 03-2775 in the amount of \$ 1200.00 to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 03-2775. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Roberte Makowski
SIGNATURE

Roberte M. D. Makowski, Ph.D.
NAME

CUSTOMER NUMBER: 23416

55,421
REGISTRATION NUMBER

Application No. (if known): Not Yet Assigned

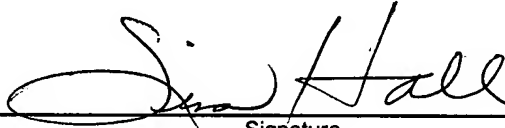
Attorney Docket No.: 13173-00026-US

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV686922646US in an envelope addressed to:

MS PCT
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

on February 17, 2006
 Date



Signature

Tina Hall

Typed or printed name of person signing Certificate

Registration Number, if applicable

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Transmittal Letter to the United States Designated-Elected Office (3 pages)
 Fee Transmittal (1 page)
 Application Data Sheet (5 pages)
 Copy of the International application with search report attached
 Form PCT/IB/306 (1 page) and Form PCT/IPEA/409 (10 pages)
 English language translation of the International application (78 pages)
 Executed Combined Declaration and Power of Attorney (5 pages)
 Preliminary Amendment (11 pages)
 Information Disclosure Statement (2 pages), SB08 (2 pages)
 Copies of references (23)
 Nucleotide and/or Amino Acid Sequence Submission on CD (COPY 1, COPY 2,
 CRF COPY, 3 total discs)
 Statement To Support Filing And Submission In Accordance With 37 CFR
 §§1.821 Through 1.825 (2 pages)
 Postcard
 Certificate of Express Mailing (1 page)
 Authorization to charge \$1200.00 to deposit account 03-2775

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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). FEE TRANSMITTAL For FY 2005		Complete if Known Application Number 13173-00026-03741 Filing Date Concurrently Herewith First Named Inventor Matt Sauer Examiner Name Not Yet Assigned Art Unit N/A Attorney Docket No. 13173-00026-US	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27			
TOTAL AMOUNT OF PAYMENT (\$) 1200.00			

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: 03-2775 Deposit Account Name: Connolly Bove Lodge & Hutz LLP	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee	
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 <input checked="" type="checkbox"/> Credit any overpayments	

FEE CALCULATION							
1. BASIC FILING, SEARCH, AND EXAMINATION FEES							
Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	900.00
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
2. EXCESS CLAIM FEES							
Fee Description							Small Entity Fee (\$)
Each claim over 20 (including Reissues)							50
Each independent claim over 3 (including Reissues)							200
Multiple dependent claims							360
Total Claims		Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims		
26		- 20 = 6	x 50 =	300			
Indep. Claims		Extra Claims	Fee (\$)	Fee Paid (\$)			
3		- 3 =	x				
3. APPLICATION SIZE FEE							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof			Fee (\$)	Fee Paid (\$)	
79	- 100 =	/50 (round up to a whole number) x					
4. OTHER FEE(S)							
Non-English Specification, \$130 fee (no small entity discount)							
Other (e.g., late filing surcharge): 1631 Basic National Stage fee							300.00
1633 National Stage Examination Fee - all other ...							200.00
1642 National Stage Search Fee - search report ...							400.00
1615 National Stage claims - extra total (over twenty)							300.00

SUBMITTED BY			
Signature	<i>Roberte M. D. Makowski</i>	Registration No. (Attorney/Agent)	55,421
Name (Print/Type)	Roberte M. D. Makowski, Ph.D.	Telephone	(302) 658-9141
		Date	February 17, 2006